

BEFORE THE  
**Federal Communications Commission**  
WASHINGTON, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )

Revision of Part 22 of the Commission's Rules )  
Governing the Public Mobile Services )

CC Docket No. 92-115

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Amendment of Part 22 of the Commission's )  
Rules to Delete Section 22.119 and Permit the )  
Concurrent Use of Transmitters in Common )  
Carrier and Non-Common Carrier Service )

CC Docket No. 94-46  
RM 8367

Amendment of Part 22 of the Commission's )  
Rules Pertaining to Power Limits for Paging )  
Stations Operating in the 931 MHz Band in the )  
Public Land Mobile Service )

CC Docket No. 93-116

**JOINT REPLY COMMENTS OF  
AIRTOUCH COMMUNICATIONS, INC. AND  
U S WEST NEWVECTOR GROUP, INC.**

AirTouch Communications, Inc. and U S WEST NewVector Group, Inc.

("AirTouch/NewVector"), by their attorneys, hereby file reply comments to address two issues raised in this proceeding.

The first issue concerns the filing requirements associated with developmental authorizations. In their Joint Petition for Reconsideration and Clarification ("Joint Petition"), AirTouch/NewVector requested clarification that only those developmental authorization applications filed pursuant to new rule Section 22.409 (dealing with developmental authorizations "for a new Public Mobile Service or technology") would be considered major.<sup>1</sup>

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<sup>1</sup> See AirTouch/NewVector Joint Petition for Reconsideration and Clarification at 14-16.

AirTouch/NewVector urge the Commission to adopt this interpretation, which was supported by GTE.<sup>2</sup>

As a related matter, new rule Section 22.409(h), which sets forth the requirements applicable to developmental authorization renewal requests filed pursuant to Section 22.409, does not specify which FCC form should be utilized when renewals are sought. Under the old rules, parties filed an FCC Form 489 for this purpose. We were recently informed, however, that the Commission's staff wants developmental renewal applicants to use FCC Form 405 instead. AirTouch/NewVector seek clarification regarding the appropriate form to be used in these circumstances.

The second issue involves the filing requirements applicable to "external" cell sites as set forth in new rule Sections 22.163(e) and 22.165(e). These rules require licensees to notify the Commission of modifications and additional transmitters that change their CGSA. In their Joint Petition, AirTouch/NewVector asked the Commission to clarify that such notifications are not required for "external" cell sites that are internal to a consolidated CGSA.<sup>3</sup> This same interpretation was endorsed by Cellular Communications of Puerto Rico, Inc. ("CCPR")<sup>4</sup> and GTE.<sup>5</sup>

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<sup>2</sup> See GTE's Comments and Opposition (filed January 20, 1995), at 5-6.

<sup>3</sup> See Joint Petition at 12.


<sup>4</sup> See CCPR Petition for Reconsideration (filed December 20, 1994), at 2 ("the Commission should extend its relaxation of notification requirements to include internal RSA and MSA borders of systems that are commonly owned or controlled and operated as integrated regional systems").

<sup>5</sup> See GTE's Comments and Opposition at 6-8.

A related question has arisen regarding the applicability of new rule Sections 22.163(e) and 22.165(e) to existing external sites. It has come to our attention that these rules are being construed inconsistently at the Commission. Under one interpretation, Form 489s need only be filed in those circumstances where the CGSA boundary is changed. The other interpretation is that a Form 489 would be required when technical changes are made to existing external cell sites.<sup>6</sup> To avoid further confusion, AirTouch/NewVector request that the Commission clarify which of the two interpretations is correct.

Respectfully submitted,

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Dated: January 30, 1995

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<sup>6</sup> A filing would be required any time there is a change to the technical information previously provided to the Commission with respect to any existing external cell site.

**CERTIFICATE OF SERVICE**

I, Donna L. McClain, hereby certify that I have this 30th day of January, 1995, caused copies of the foregoing Joint Reply Comments of AirTouch Communications, Inc. and U S WEST NewVector Group, Inc. to be delivered by first class U.S. mail, postage prepaid, to the following:

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